

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-1082740-D3
AND ALL OTHER SEAMAN'S DOCUMENTS
Issued to: George W. FAULKES

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1742

George W. FAULKES

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 10 June 1968, an Examiner of the United States Coast Guard at New York, N. Y. suspended Appellant's seaman's documents for 2 months on 9 months' probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as chief cook on board SS AFRICAN MERCURY under authority of the document Appellant:

- (1) on or about 4 February 1968 wrongfully failed to join the vessel at Dar-es-Salaam, Tanzania;
- (2) on or about 16 February 1968, failed to perform duties at Mombasa, Kenya, because of intoxication; and
- (3) at the same time and place wrongfully had liquor in his possession aboard the vessel.

At the hearing, Appellant was represented by professional counsel. Appellant entered a plea of guilty to the charge and the specification relative to the failure to perform duties on 16 February 1968 but not guilty to the other specifications.

The Investigating Officer introduced in evidence voyage records of AFRICAN MERCURY.

In defense, Appellant offered in evidence his own testimony.

At the end of the hearing, the Examiner rendered an oral decision in which he concluded that the charge and specifications had been proved. The Examiner then entered an order suspending all documents issued to Appellant for a period of 2 months on 9 months' probation.

The entire decision was served on 17 June 1968. Appeal was

timely filed on 8 July 1968. Although a transcript of proceedings was requested and provided, Appellant has not since added to his original statement of grounds for appeal.

FINDINGS OF FACT

On all dates in question, Appellant was serving as chief cook on board SS AFRICAN MERCURY and acting under authority of his document.

On 4 February 1968 Appellant failed to join the vessel at Dar-es-Salaam, Tanzania, without justification.

On 16 February 1968, having been returned to the vessel, Appellant had liquor in his possession on board and failed to perform duties by reason of intoxication. The vessel was then at Mombasa, Kenya.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the order is excessive.

APPEARANCE: Appellant, pro se.

OPINION

Although Appellant had no prior record at the time of hearing, an order of two months' suspension on nine months' probation is not excessive in view of the fact that three offenses were proved.

ORDER

The order of the Examiner dated at New York, N.Y. on 10 June 1968, is AFFIRMED.

W. J. SMITH
Admiral, U.S. Coast Guard
Commandant

INDEX

Order of examiner

- Cumulative offense, effect of
- Held not excessive
- Record as affecting

Revocation or suspension

- Basis of
- Cumulative offenses as justifying
- Held appropriate
- Held not excessive
- Prior record, lack of
- Probation and suspension